THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 2769 of 2004

DATED: 09.11.2005

Between:

The General Manager, The Singareni

Collieries Company Limited, Mandamarri

Area, Mandamarri, Adilabad District.

…PETITIONER

And:

Elukapalli Mondi, S/o Narsaiah

and another.

…RESPONDENTS

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO: 2769 of 2004

ORDER:

Writ Petition is filed assailing the award of the Central Industrial Tribunal-cum-Labour Court, Hyderabad (for short 'the Industrial Tribunal') dated 30.07.2002, in L.C.I.D.No.269 of 2001.

The first respondent, a Trammer, working since 1979, was removed from service by the order, dated 31.07.2001. This order was challenged before the Industrial Tribunal invoking its adjudicatory power under Section-2(A)(ii) of the Industrial Disputes Act, 1947. The

Industrial Tribunal after finding the domestic enquiry to be procedurally impeccable, nevertheless, found the imposition of a penalty of termination of the petitioner from service, disproportionate to the established charge of unauthorized absence from duty. The Industrial Tribunal directed reinstatement of the first respondent herein on the minimum revised scale of pay as applicable to the employee with a condition that if the employee puts in minimum muster rolls for three consecutive years his entire service from 1979 would be calculated for terminal benefits. In substance, therefore, the first respondent-employee was put on probation for good behaviour while directing reinstatement. It is such a substitution of penalty from termination imposed by the Industrial Tribunal in exercise of its plenitude of jurisdiction under Section-11(A) of the Industrial Disputes Act, that is challenged in this writ petition.

This Court finds no infirmity in the exercise of discretion by the Industrial Tribunal and no perversity in its conclusion that the punishment of termination of services imposed on the first respondent was grossly disproportionate to the established charges, warranting interference in this writ petition.

Writ petition is without merits and is accordingly dismissed. No order as to costs.

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(GODA RAGHURAM, J)

09.11.2005

dr